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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,455	02/17/2004	Richard J. Howell	289630.120 US1	1396
23483	7590	07/03/2006	EXAMINER	
WILMER CUTLER PICKERING HALE AND DORR LLP			AVERY, BRIDGET D	
60 STATE STREET			ART UNIT	
BOSTON, MA 02109			PAPER NUMBER	
			3618	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/780,455		HOWELL, RICHARD J.	
	Examiner		Art Unit	
	Bridget Avery		3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/19/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Information Disclosure Statement filed by applicant on November 19, 2004 is acknowledged and has been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Salomon (US Patent 3,734,522).

Salomon teaches a vector decoupling assembly for separating and isolating two or more force vectors applied to a safety binding (1) securing a heel portion of a ski boot to a ski (1); the safety binding (as defined by heel-piece 2) includes a lower heel assembly (80 as shown in Figures 10 and 11) attached to the ski (1) and an upper heel assembly (clearly shown referenced as 2) coupled to the lower heel assembly (80) and having a lateral release assembly for applying lateral securing pressure to the ski boot, including: a tongue component (85) having a first end and a second end, the first end being fixedly attached to a lateral release assembly (82) and the second end being disposed between a first/lower surface fixedly attached to the lower heel assembly (80) and a second/upper surface fixedly attached to the lower heel assembly (80), such that

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the tongue component (85), the first surface and the second surface (80) cooperate to allow motion of the lateral release assembly to occur only in the longitudinal (as defined by force arrow 96) and horizontal plane of the ski (1). The tongue component (85), the first/lower surface and the second/upper surface cooperate to limit motion of the lateral release assembly to within a predetermined region within the longitudinal and horizontal plane of the ski (1).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eckart shows a safety ski binding.

Swenson shows an adjustable release heel ski binding.

Swenson shows an adjustable release ski binding.

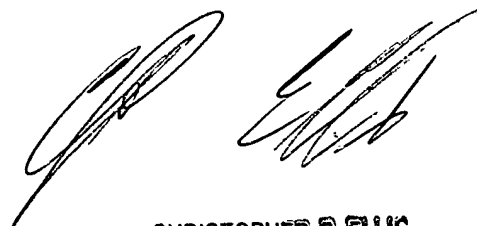
Greene shows a ski binding.

Wilkes shows ski bindings.

4. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.


Avery

June 22, 2006



CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600